

## **BOARD OF APPEALS MINUTES**

**December 10, 2002**

**On Tuesday December 10, 2002, at 7 p.m. the Clarence Board of Appeals heard the following requests for variances:**

**APPEAL NO I**

**Chuck & Helga Matteson  
Agricultural**

**Requests the Board of Appeals approve and grant a one hundred foot (100') variance creating a two hundred foot (200') front lot line setback for construction of a new single family home at 7741 Goodrich Road.**

**APPEAL NO I is in variance to Article V, section 30-27 B, size of yards.**

**APPEAL NO II**

**Tim Arlington  
Residential A**

**Requests the Board of Appeals approve and grant a ten foot (10') variance creating a thirty five foot (35') front yard setback off of Roll Road to allow side load garage access at 5580 Oak Dale Lane. (Loch Lea Subdivision)**

**APPEAL NO II is in variance to Article II, section 30-12 B, size of yards.**

**APPEAL NO III**

**Daniel Dressel  
Agricultural**

**Requests the Board of Appeals approve and grant a one hundred foot (100') setback creating a two hundred foot (200') front yard setback at 9850 Brauer Road.**

**APPEAL NO III is in variance to Article V, section 30-27 B, size of yards.**

**APPEAL NO IV**

**Dan Carlo  
Major Arterial**

**Requests the Board of Appeals approve and a twenty two foot (22') variance creating an eighteen foot (18') front setback line for the construction of a new free-standing sign at 5063 Transit Road.**

**APPEAL NO IV is in variance to L.L. 181-4A, sign district specifications.**

**APPEAL NO V**

**Alan and Karen Getter**

**Requests the Board of Appeals approve a  
35' variance on lot width to allow  
construction of a second single-family  
residential home on 165' of frontage at  
10070 Greiner Road.**

**Appeal No V is in variance to Article XIV, Section 30-67, additional Building Exceptions**

**ATTENDING:**

**John Brady  
John Gatti  
Ronald Newton  
Raymond Skaine  
Arthur Henning**

**INTERESTED  
PERSONS:**

**Ronald Matteson  
Joe Frawley  
Nick Naples  
Dan Dressel  
Tim Zombek  
Shawn Sicignano  
Karen Getter  
Alan Getter**

**APPEAL NO I**  
**Chuck & Helga Matteson**  
**Agricultural**

Requests the Board of Appeals approve and grant a one hundred foot (100') variance creating a two hundred foot (200') front lot line setback for construction of a new single family home at 7741 Goodrich Road.

**DISCUSSION:**

The applicant would like to place his septic field in front of the new house. They feel that Goodrich Road will be widened in the future, and they would like to set back further in anticipation of that. A memo from Timothy Lavocat of the Engineering Department stated that the proposed lot split to develop the lot at 7741 Goodrich Road is in compliance with development standards set forth in Town of Clarence Local Law 03-2000 - Flood Damage prevention. The setback distance does not impact compliance with Local Law 03-2000. All proposed construction and/or filling operations on the subject lot must also be in accordance with all requirements set forth in Local Law 03-2000 and will be reviewed for compliance prior to issuance of a building permit.

**ACTION:**

Motion by John Gatti, seconded by Arthur Henning to approve Appeal No I as written. Ray Skaine asked to have the memo included in the conditions.

**ALL VOTING AYE. MOTION CARRIED,**

**APPEAL NO II**  
**Tim Arlington**  
**Residential A**

Requests the Board of Appeals approve and grant a ten foot (10') variance creating a thirty five foot (35') front yard setback off of Roll Road to allow side load garage access at 5580 Oak Dale Lane.

**DISCUSSION:**

Mr. Frawley said they are moving the house toward Roll Road to make room to get the swing for the side load garage on Oak Dale Lane. The front of the house is on Oak Dale Lane. This will be a concrete driveway.

**ACTION:**

Motion by Arthur Henning, seconded by Raymond Skaine to approve Appeal No II as written.

**ALL VOTING AYE. MOTION CARRIED.**

**APPEAL NO III**  
**Daniel Dressel**  
**Agricultural**

**Requests the Board of Appeals approve and grant a one hundred foot (100') setback creating a two hundred foot (200') front yard setback at 9850 Brauer Road.**

**DISCUSSION:**

**Mr. Dressel said that he would like to put his septic field in front of the house. There is a row of trees and bushes that he would like to preserve for more privacy. This is the highest piece on the property so it would be a good spot to build his house. He has spoken to the neighbors and no one had a problem with the setback.**

**ACTION:**

**Motion by John Gatti, seconded by Arthur Henning to approve Appeal No III as written.**

**ALL VOTING AYE. MOTION CARRIED.**

**APPEAL NO IV**  
**Dan Carlo**  
**Major Arterial**

**Requests the Board of Appeals approve and grant a twenty two foot (22') variance creating an eighteen foot (18') front setback line for the construction of a new free standing sign at 5063 Transit Road.**

**DISCUSSION:**

**They feel they need the sign for visibility on Transit Road especially going south on Transit. They are behind everyone else, they would like it in line with Applebee's Restaurant. John Gatti said he didn't have a problem with it. The main pylon for Eastgate Plaza is at ten feet.**

**ACTION:**

**Motion by Raymond Skaine, seconded by Ronald Newton to approve Appeal No IV as written.**

**ALL VOTING AYE. MOTION CARRIED.**

**APPEAL NO V**  
**Alan & Karen Getter**  
**Agricultural**

**Requests the Board of Appeals approve and grant a thirty five foot (35') variance on lot width to allow construction of a second single family residential home on one hundred sixty five feet (165') of frontage at 10070 Greiner Road.**

**DISCUSSION:**

**The lot is 1600 feet deep. The house in front is in need of repair, and they would like to build a new house in the rear. If they can get the variance, they will buy the property. There is a curved driveway, and another driveway that goes back to the land in the rear. The house has been closed up for twelve years. Raymond Skaine said he didn't want to set a precedent. Jim Callahan said there is a possibility here for an open development. Ron Newton said he did not like the idea of building a house in the rear. He will not create a lot that doesn't meet the minimum requirements for a lot. It will set a precedent. The Getters' also have the option of trying to buy an additional thirty five feet from the neighbor to make the frontage legal for two homes. John Gatti said he is not happy with it.**

**ACTION:**

**Motion by John Gatti, seconded by Arthur Henning to deny Appeal No V as requested.**

**ALL VOTING AYE. MOTION CARRIED.**

**Meeting adjourned at 8:00 p.m.**  
**John Brady, Chairman**